

2. The expected total quantity, in megawatt hours, of the production increase from the facility resulting from, or expected to result from, the capital investment and how long the increased production level is expected to last.
3. The relationship between the capital investment and the production increase from the facility, including a discussion of the nature of the capital improvements and how they resulted in the incremental generation.
4. The trend of historical generation from the facility, extending over enough time to establish that trend accurately, along with a discussion and projection of the trend over the expected lifetime of the project.
5. If applicable, the rationale for assigning overall steamfield incremental geothermal production to an individual generating facility within that steamfield.
6. A discussion of the sustainability of increased production from the facility. The discussion should show how the capital investment is consistent with, and protective of, the long-term preservation of the geothermal resource and also demonstrate that increased production from the facility in the short-term is not overdrawing the resource and leading to overall diminished production in the long-term.
7. A discussion of the way any certified incremental production from the facility can be verified, measured, and guaranteed.

In substantiating a claim of incremental geothermal production, the burden of proof will be on the applicant for the geothermal facility to submit compelling evidence demonstrating the effect that capital expenditures have had on production. As applicable, applicants also have the responsibility of properly allocating any increase among different generating facilities in the same steamfield.

In addition, all data submitted to substantiate a claim are expected to be public, although the Energy Commission is only interested in data with a direct bearing on the claim. For example, although information on capital investments and the resulting production increases is expected to be submitted publicly, the Energy Commission has no interest in any proprietary underlying economic analyses that may have led to the decision to make such investment.

### **Supplemental Instructions for Municipal Solid Waste Conversion Facilities**

Applicants for solid waste conversion facilities must ~~provide copies of permits issued~~ submit documentation provided by the California Integrated Waste Management Board (CIWMB) attached to the completed CEC-RPS-1 form to verify compliance with the requirements specified above. The Energy Commission will verify compliance in consultation with the CIWMB and based on CIWMB's proposed regulations for solid waste conversion technologies as set forth in Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0, commencing with section 17400. These regulations

are being adopted pursuant to Assembly Bill 2770 (Mathews, Chapter 704, Statutes of 2002), which establishes requirements for solid waste conversion technologies that mirror the requirements for these technologies found in SB 1038. The proposed regulations are part of CIWMB's Transfer/Processing Operations and Facilities Regulatory Requirements and will require facilities using solid waste conversion technologies to obtain a Conversion Technology Facility Permit. Pending the adoption of the proposed regulations, the CIWMB may permit facilities using solid waste conversion technologies on a case-by-case basis pursuant to its existing regulations for the Transfer/Processing Operations and Facilities Regulatory Requirements.

To become certified as a renewable energy resource eligible for RPS (and SEPs), an applicant for a solid waste conversion facility ~~must~~ should submit to the Energy Commission a copy of its Conversion Technology Facility Permit approved by the CIWMB. In the event that CIWMB's regulations for solid waste conversion technologies are not adopted at the time the facility seeks RPS certification, the facility must request and obtain from CIWMB a Solid Waste Facility Permit under CIWMB's existing regulations for the Transfer/Processing Operations and Facilities Regulatory Requirements. The Energy Commission will confirm that the permit is approved, active, and applicable to the facility seeking RPS certification. These permits must demonstrate the following:

The Energy Commission recognizes that some projects may be entitled to an exemption from the Conversion Technology Facility Permit requirements, but otherwise are eligible for the RPS and SEPs. For such projects, applicants must provide the following with their application for certification: (1) documentation from the local enforcement agency or the CIWMB stating that the agency has determined that the facility qualifies for an exemption from the Conversion Technology Facility Permit requirements and, (2) documentation from the CIWMB stating that the project otherwise qualifies as a Conversion Technology Facility.

Applicants must provide permits (or the equivalent documentation described above) that demonstrate the following:

1. The facility is only using a "gasification" conversion technology, as defined in Public Resources Code section 40117
2. The facility accepts and processes "solid waste" as defined in Public Resources Code section 40191, and is not limited to receiving and processing "source separated" waste as defined in Title 14, California Code of Regulations, section 17402.5(b)(4)
3. The facility processes solid waste from which, to the maximum extent feasible, all recyclable materials and marketable green waste compostable materials have been removed prior to the solid waste conversion process

In addition, an applicant must certify to the Energy Commission the following:

1. All recyclable materials and marketable green waste compostable materials which have been removed from solid waste delivered to the facility are recycled or composted.
2. Any local agency sending solid waste to the facility diverted at least 30 percent of all solid waste it collects through solid waste reduction, recycling, and composting. For purposes of this certification “local agency” means any city, county, or special district, or subdivision thereof, which is authorized to provide solid waste handling services.

To become pre-certified as RPS and SEP eligible, the applicant must submit to the Energy Commission the information required to receive a Conversion Technology Facility Permit from CIWMB, even if the applicant is entitled to an exemption from the permit requirements. In the event CIWMB’s regulations for solid waste conversion technologies have not been adopted at that time, then the applicant must submit to the Energy Commission the information required to receive a Solid Waste Facility Permit. This information is identified in Title 14, California Code of Regulations, sections 18221.5 and 18221.6. The Energy Commission will review this information in consultation with the CIWMB to determine if the information is complete and satisfies the legal requirements specified in Public Utilities Code section 383.5(b)(1)(C), as amended by Public Resources Code section 25741(a)(3).

If a pre-certified applicant does not obtain a Conversion Technology Facility Permit from CIWMB by the time the project commences commercial operation, fails to submit the documentation described above verifying the fact that the project is entitled to an exemption from permit requirements but otherwise qualifies as a Conversion Technology Facility, or if it is denied approval for a permit, the Energy Commission will revoke the applicant’s pre-certification.

### **Supplemental Instructions for Out-of-State Facilities**

Out-of-state facilities seeking certification as eligible for RPS and SEPs must submit the following additional information with a completed CEC-RPS-1 form.

1. Impact on California Environmental Quality Standards: The applicant must provide a) a comprehensive list and description of all California environmental quality laws, ordinances, regulations, and standards (collectively referred to as “LORS”) that may be directly or indirectly impacted by the facility’s development or operation, and b) an assessment as to whether the facility’s development or operation will cause or contribute to a violation of any of these LORS.

At a minimum, the LORS described shall address the following environmental areas consistent with Appendix B, section (g), of the Energy Commission’s regulations for power plant certification, Title 20, California Code of Regulations, sections 1701, et seq: